

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 152
FINAL READING
(SECOND)

Introduced by Jensen, 20; Byars, 30

Read first time January 4, 2001

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend section
2 81-672, Reissue Revised Statutes of Nebraska, sections
3 81-657 and 81-658, Revised Statutes Supplement, 2000, and
4 section 81-664, Reissue Revised Statutes of Nebraska, as
5 amended by section 34, Legislative Bill 209,
6 Ninety-seventh Legislature, First Session, 2001; to
7 change brain injury registry provisions; to change
8 registry information provisions; to adopt the Parkinson's
9 Disease Registry Act; to provide penalties; to provide
10 for and eliminate termination dates; to harmonize
11 provisions; to repeal the original sections; to outright
12 repeal section 81-662, Reissue Revised Statutes of
13 Nebraska; and to declare an emergency.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-657, Revised Statutes Supplement,
2 2000, is amended to read:

3 81-657. (1) If a person with brain or head injury is not
4 admitted to a hospital within the state but is treated in this
5 state in the office of a physician or psychologist licensed under
6 the Uniform Licensing Law, the treating physician or psychologist
7 shall report the brain or head injury to the department within
8 thirty days after identification of the person sustaining such
9 injury. Each treating physician or psychologist shall be required
10 to report each brain or head injury only one time.

11 (2) Each hospital within the state shall report a brain
12 or head injury which results in inpatient admission or outpatient
13 treatment to the department within thirty days after discharge of
14 the person sustaining such injury.

15 (3) The report shall contain the following information
16 about the person sustaining the injury:

17 (a) Name;

18 (b) Social security number;

19 (c) Date of birth;

20 (d) Gender;

21 (e) Race or ethnicity;

22 (f) Residence;

23 (g) Date of the injury;

24 (h) Final diagnosis or classification of the injury
25 according to the International Classification of Disease, Clinical
26 Modification Coding System, as adopted by the department;

27 (i) Cause of the injury and, if known, whether the injury
28 resulted from an accident involving the use of alcohol;

- 1 (j) Place or site of occurrence of the injury;
2 (k) Identification of the reporting source;
3 ~~(k)~~ (l) Dispensation upon discharge;
4 ~~(l)~~ (m) Payor source; and
5 ~~(m)~~ (n) Any additional information the department can
6 demonstrate is reasonable in order to implement the purposes stated
7 in section 81-653.

8 Sec. 2. Section 81-658, Revised Statutes Supplement,
9 2000, is amended to read:

10 81-658. (1) Inpatient, post-acute-care facilities,
11 including nursing homes and rehabilitation centers, shall report
12 the treatment of persons with brain or head injury to the
13 department biannually. The report for the months of January
14 through June shall be due on the following August 1, and the report
15 for the months of July through December shall be due on February 1
16 of the following year.

17 (2) The reports shall contain the following information
18 about the person sustaining the injury:

- 19 (a) Name;
20 (b) Social security number;
21 (c) Date of birth;
22 (d) Gender;
23 (e) Race or ethnicity;
24 (f) Preadmission residence;
25 (g) Admitting diagnosis;
26 (h) Cause of the injury and, if known, whether the injury
27 resulted from an accident involving the use of alcohol;
28 (i) Place or site of occurrence of the injury;

1 (j) Length of stay at the facility, including dates of
2 admission and discharge;
3 ~~(j)~~ (k) Dispensation upon discharge;
4 ~~(k)~~ (l) Identification of reporting source;
5 ~~(l)~~ (m) Payor source; and
6 ~~(m)~~ (n) Any additional information the department can
7 demonstrate is reasonable in order to implement the purposes stated
8 in section 81-653.

9 Sec. 3. Section 81-664, Reissue Revised Statutes of
10 Nebraska, as amended by section 34, Legislative Bill 209,
11 Ninety-seventh Legislature, First Session, 2001, is amended to
12 read:

13 81-664. For purposes of sections 81-663 to 81-675:

14 (1) Aggregate data means data contained in the medical
15 record and health information registries maintained by the
16 department which is compiled in a statistical format and which does
17 not include patient-identifying data;

18 (2) Approved researcher means an individual or entity
19 which is approved by the department pursuant to section 81-666 to
20 obtain access to data contained in the medical record and health
21 information registries maintained by the department to assist in
22 the scientific or medical research for the prevention, cure, or
23 control of a disease or injury process;

24 (3) Case-specific data means data contained in the
25 medical record and health information registries concerning a
26 specific individual other than patient-identifying data;

27 (4) Department means the Department of Health and Human
28 Services Regulation and Licensure;

1 (5) Medical record and health information registry means
2 the system of reporting certain medical conditions occurring in
3 this state, as prescribed by law, which are reported and recorded
4 in order to achieve the goals of prevention, cure, and control
5 through research and education, and includes the birth defects
6 registry established in section 71-646, the cancer registry
7 established in sections 81-642 to 81-650, ~~and~~ the brain injury
8 registry established in sections 81-653 to 81-661, and the
9 Parkinson's Disease Registry established in the Parkinson's Disease
10 Registry Act;

11 (6) Patient-identifying data means the patient's name,
12 address, record number, symbol, or other identifying particular
13 assigned to or related to an individual patient; and

14 (7) Research means study specific to the diseases or
15 injuries for which access to data is requested and which is
16 dedicated to the prevention, cure, or control of the diseases or
17 injuries.

18 Sec. 4. Section 81-672, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-672. Any person who receives or releases information
21 in the form and manner prescribed by sections 81-663 to 81-675 and
22 the rules and regulations adopted and promulgated pursuant to such
23 sections shall not be civilly or criminally liable for such receipt
24 or release unless the receipt or release is done with actual
25 malice, fraudulent intent, or bad faith. In an action brought
26 against a person for wrongful receipt or release of medical record
27 and health information registry information, the party bringing the
28 action shall plead specifically the allegation that the immunity

1 provided in this section does not apply because the person
2 receiving or releasing the information did so with actual malice,
3 fraudulent intent, or bad faith.

4 Sec. 5. Sections 5 to 18 of this act shall be known and
5 may be cited as the Parkinson's Disease Registry Act.

6 Sec. 6. The purpose of the Parkinson's Disease Registry
7 is to provide a central data bank of accurate, historical and
8 current information for research purposes. The Parkinson's Disease
9 Registry Act will provide for screening and collecting patient and
10 family data that may be useful in detecting the incidence of and
11 possible risk factors concerning Parkinson's disease and related
12 movement disorders. The act will also aid in planning for health
13 care requirements and education needs.

14 Sec. 7. For purposes of the Parkinson's Disease Registry
15 Act:

16 (1) Approved researcher means an individual or entity who
17 is approved by the department in accordance with section 81-666 to
18 obtain access to data contained in the Parkinson's Disease Registry
19 to assist in scientific or medical research for the prevention,
20 cure, or control of Parkinson's disease;

21 (2) Department means the Department of Health and Human
22 Services Regulation and Licensure;

23 (3) Parkinson's disease means a chronic, progressive
24 disorder in which there is a lack of the chemical dopamine in the
25 brain as a direct result of the destruction of the
26 dopamine-producing cells in the portion of the brain called the
27 substantia nigra. Clinical features of the disease include tremor
28 at rest, slow movements, rigidity, and unsteady or shuffling gait

1 and may be indicated by improvement after using medications used
2 for Parkinson's disease; and

3 (4) Related movement disorder means a disorder that
4 resembles Parkinson's disease in some way, such as another kind of
5 tremor.

6 Sec. 8. The department shall establish and maintain the
7 Parkinson's Disease Registry. The registry shall consist of a
8 compilation of the reports of cases of Parkinson's disease and
9 related movement disorders occurring among residents of this state
10 which are with the department. The registry shall include
11 information the department deems necessary and appropriate for the
12 statistical identification and planning for treatment and education
13 of health care providers and persons diagnosed with Parkinson's
14 disease and related movement disorders.

15 Sec. 9. The department shall:

16 (1) Adopt and promulgate rules and regulations, including
17 a uniform system of classification of Parkinson's disease which is
18 consistent with medically and clinically accepted standards and
19 definitions for use in reporting by medical personnel treating the
20 disease;

21 (2) Execute any contracts that the department deems
22 necessary to carry out the Parkinson's Disease Registry Act;

23 (3) Receive and record the data obtained from reports
24 filed under sections 10 and 11 of this act;

25 (4) Compile and publish a statistical report annually or
26 at reasonable intervals containing information obtained from
27 patient data to provide accessible information useful to medical
28 personnel, approved researchers, and the public; and

1 (5) Comply with all necessary requirements to obtain
2 funds or grants.

3 Sec. 10. (1) If a resident of this state is diagnosed
4 with Parkinson's disease or a related movement disorder within this
5 state in the office of a physician licensed under the Uniform
6 Licensing Law, the physician shall file a report of the diagnosis
7 and pertinent information with the department within sixty days
8 after the diagnosis.

9 (2) An individual resident of this state who has been
10 diagnosed with Parkinson's disease or a related movement disorder
11 by a licensed physician may file a report with the department
12 providing relevant information. The department shall provide for
13 validation of individual reports.

14 (3) A report filed under this section shall contain the
15 following information about the person diagnosed with Parkinson's
16 disease or a related movement disorder:

17 (a) Name;

18 (b) Social security number;

19 (c) Date of birth;

20 (d) Gender;

21 (e) Address at time of diagnosis;

22 (f) Current address;

23 (g) Date of diagnosis;

24 (h) Physician;

25 (i) Identification of reporting source; and

26 (j) Any additional information the department
27 demonstrates is reasonable to implement the Parkinson's Disease
28 Registry Act.

1 Sec. 11. The pharmacist in charge of each pharmacy
2 located within the state or doing business in the state shall file
3 a semiannual report with the department listing persons to whom the
4 pharmacist has dispensed drugs on the list of drugs required to be
5 reported under this section for Parkinson's disease. The report
6 shall include the name, address, and social security number of the
7 person for whom the drugs were prescribed and the name and address
8 of the prescribing physician. The department shall issue a list of
9 drugs used for the treatment of Parkinson's disease to be reported
10 under this section, shall review and revise the list annually, and
11 shall distribute the list to each pharmacy located within the state
12 or doing business in the state.

13 Sec. 12. All data and information developed or collected
14 pursuant to the Parkinson's Disease Registry Act and the receipt
15 and release of data from the Parkinson's Disease Registry is
16 subject to and shall comply with sections 81-663 to 81-675. For
17 purposes of the Parkinson's Disease Registry, data may be released
18 as Class I data, Class II data, Class III data, or Class IV data as
19 classified in section 81-667.

20 Sec. 13. Nothing in the Parkinson's Disease Registry Act
21 shall be deemed to compel any individual to submit to any medical
22 examination or supervision by the department, any of its authorized
23 representatives, or an approved researcher. No person who seeks
24 information or obtains data pursuant to the act shall contact a
25 patient or such patient's family without first obtaining the
26 permission of a physician actively involved in the care of such
27 patient.

28 Sec. 14. Nothing in the Parkinson's Disease Registry Act

1 requires a physician or pharmacist to deny medical treatment or
2 services to an individual who refuses to provide the information
3 necessary to make complete reports required under section 10 or 11
4 of this act.

5 Sec. 15. (1) Any physician or pharmacist required to
6 make reports under section 10 or 11 of this act is immune from
7 liability, civil, criminal, or otherwise, for filing an incomplete
8 report as a result of the failure of an individual to provide the
9 information necessary to make such report.

10 (2) Any physician or pharmacist who fails to file reports
11 as required under section 10 or 11 of this act shall be guilty of a
12 Class V misdemeanor for each offense.

13 Sec. 16. The initial reports required under section 11
14 of this act shall be made within thirty days after January 1 of the
15 year following issuance by the department of the list of drugs to
16 be reported under section 11 of this act.

17 Sec. 17. (1) On and after the effective date of this
18 act, for purposes of the Parkinson's Disease Registry Act:

19 (a) Any rules, regulations, and orders of the Department
20 of Health and Human Services Regulation and Licensure adopted
21 pursuant to the former Parkinson's Disease Registry Act, as such
22 act existed prior to February 14, 2001, and in effect on February
23 13, 2001, shall be revived and continue in effect until revised,
24 amended, repealed, or nullified pursuant to law;

25 (b) Any contracts entered into by the department prior to
26 February 14, 2001, and in effect on February 13, 2001, in
27 connection with the duties and functions of the former act are
28 recognized and may be revived upon the agreement of all contract

1 parties. If revived, the department shall succeed to all rights
2 and obligations under such contracts;

3 (c) Any cash funds, custodial funds, gifts, trusts,
4 grants, and appropriations of funds which were available for use by
5 the department for purposes of the former act shall continue to be
6 available for use by the department if such funds continue to
7 exist; and

8 (d) Any documents created, information compiled, or
9 property used by the department under the former act shall continue
10 to be available to and may be used by the department.

11 (2) For purposes of this section, former act means the
12 Parkinson's Disease Registry Act, as such act existed prior to
13 February 14, 2001, which act was outright repealed in LB 209,
14 Ninety-seventh Legislature, First Session, 2001.

15 Sec. 18. The Parkinson's Disease Registry Act terminates
16 on June 30, 2003, or if no requests are received for two years from
17 approved researchers to obtain access to data contained in the
18 Parkinson's Disease Registry, the act terminates two years after
19 the date of the last request, whichever occurs sooner, unless
20 reenacted or reestablished by the Legislature.

21 Sec. 19. Original section 81-672, Reissue Revised
22 Statutes of Nebraska, sections 81-657 and 81-658, Revised Statutes
23 Supplement, 2000, and section 81-664, Reissue Revised Statutes of
24 Nebraska, as amended by section 34, Legislative Bill 209,
25 Ninety-seventh Legislature, First Session, 2001, are repealed.

26 Sec. 20. The following section is outright repealed:
27 Section 81-662, Reissue Revised Statutes of Nebraska.

28 Sec. 21. Since an emergency exists, this act takes

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- 1 effect when passed and approved according to law.